

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-HC-2037

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
PATRICK CAPORALE,	)	
Register Number 09799-036,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a). This Certification is resubmitted due to technical difficulties experienced on March 20, 2008, as explained in the Motion For Leave of Court to File Certification of a Sexually Dangerous Person Nunc Pro Tunc pending before this Court.

Respectfully submitted, this 21st day of March, 2008.

George E. B. Holding  
United States Attorney

BY: /s/ Michael Bredenberg  
Michael Bredenberg  
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 21st day of March, 2008, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Patrick Caporale  
Reg. No. 09799-036  
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ Michael Bredenberg  
Michael Bredenberg  
Special Assistant U.S. Attorney  
Civil Division

## CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Patrick Caporale, Register Number 09799-036, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a six-month term of imprisonment and a 20-month term of supervised release, following the revocation of his supervised release. His original sentence was an 84-month term of imprisonment and a three-year term of supervised release, following his conviction for six counts of Using a Minor to Engage in Sexual Conduct, in violation of 18 U.S.C. § 2251(a), and one count of Possession of Material Utilizing Minors to Engage in Sexually Explicit Conduct, in violation of 18 U.S.C. §§ 2252(a)(4)(B), 2256 (D. Maine) (Case No. CR-92-40-B). His offense conduct included traveling from New York to Maine, befriending and engaging in sexual conduct with a juvenile male over a four-year period, and taking pictures and making videos of the juvenile male and two female juveniles masturbating and having vaginal, oral and anal intercourse. Upon his release

from incarceration in 1998, jurisdiction over his supervision was transferred from the District of Maine to the Southern District of New York (Case No. 7:98-cr-01217-KMK-1). Caporale first violated supervised release in September 2000 for being convicted of Endangering the Welfare of a Minor. In September 2003, Caporale again violated the terms of his supervised release by being convicted of Possessing an Obscene Performance by a Child in Putnam County Court, New York. His projected release date is March 20, 2008.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

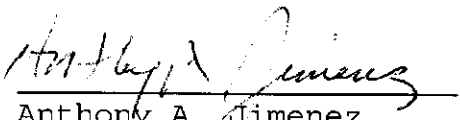
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he was previously convicted of Acting in a Manner Injurious to a Child in the City Court, New Rochelle, New York, for inviting young boys to his apartment, paying them in cash and/or drugs to have sex with a minor female, and observing this activity and masturbating. He was convicted a second time of Acting in a Manner Injurious to a Child in the City

Court, New Rochelle, New York, for subjecting a 13-year-old boy to sexual contact and masturbating a 12-year-old boy. He was also convicted of Criminal Facilitation in the Fourth Degree in the City Court, White Plains, New York, for bringing approximately 20 boys between the ages of 13 and 16 to a female friend, so that she could have sexual relations with the boys;

(b) A limited psychological review indicated the following: Axis I diagnosis of Pedophilia, Sexually Attracted to Males and Females, Non-Exclusive Type; Axis II diagnosis of Personality Disorder Not Otherwise Specified, With Avoidant and Dependent Traits (Provisional, By History);

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release based on new sexual conduct, intimacy deficits, and emotional identification with children, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Anthony A. Jimenez

Chairperson

Certification Review Panel

Federal Bureau of Prisons

3/20/2008

Date

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FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-HC-2037

UNITED STATES OF AMERICA,	)	
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Petitioner,	)	
	)	
v.	)	ORDER
	)	
PATRICK CAPOREALE,	)	
Register Number 09799-036,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at \_\_\_\_\_ AM/PM on \_\_\_\_\_. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This \_\_\_\_ day of \_\_\_\_\_, 2008.

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W. EARL BRITT  
Senior U.S. District Judge